

**Minimum Control Measure 5- Post-construction stormwater management in new development and redevelopment**  
**Draft Language**

**5. Post Construction Runoff from Areas of New Development and Development on Prior Developed Lands:**

**a. Applicable Oversight Requirements**

The operator shall address stormwater runoff that enters their MS4 from the following land disturbing activities:

- (1) New development and development on prior developed lands that are defined as large construction activities or small construction activities at 4VAC50-60-10;
- (2) New development and development on prior developed lands that disturb greater than or equal to 2,500 square feet and located in a Chesapeake Bay Preservation Area designated by a local government located in Tidewater Virginia; and,
- (3) New development and development on prior developed lands where an applicable state regulation or local ordinance has designated a more stringent regulatory size threshold than that identified in (1) and 2) above.

**b. Required Design Criteria for stormwater runoff**

The operator shall utilize its legal authority, such as ordinances, permits, orders, contracts and inter-jurisdictional agreements, to require activities identified in a. address stormwater runoff in such a manner that stormwater runoff controls are:

- (1) Designed and installed in accordance with the appropriate water quality and water quantity design criteria required by 4 VAC50-60, Part II;
- (2) Designed and installed in accordance with any additional applicable state or local design criteria required at project initiation; and,
- (3) Where applicable, designed and installed in accordance with any Board approved annual standards and specifications.

Upon Board approval of a Virginia Stormwater Management Program authority (VSMP authority) as defined at § 10.1-603.2. and reissuance of the General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities, the operator shall require that stormwater management plans are approved by the appropriate VSMP authority prior to land disturbance. (NOTE: The expected implementation date of this requirement is July 1, 2014.)

**c. Inspection and Maintenance Verification of SWM Facilities**

**(1) SWM facilities not owned by the MS4 operator**

The operator shall require adequate long-term operation and maintenance by the owner of the stormwater management facility by requiring the owner to develop a recorded inspection schedule and maintenance agreement to the extent allowable under state or local law or other legal mechanism.

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48 The operator shall implement a schedule designed to inspect all privately  
49 owned SWM facilities that discharge into the MS4 at least once every five  
50 years to document that maintenance is being conducted in such a manner  
51 to ensure long-term operation in accordance to the approved designs.

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53 The operator shall utilize its legal authority a mechanism for enforcement of  
54 maintenance responsibilities by the operator if maintenance is neglected by  
55 the owner.

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57 Beginning with issuance of this permit, maintenance agreements may be  
58 used but are not required for stormwater control measures that are  
59 designed to treat stormwater runoff solely from the individual residential lot  
60 on which they are located provided that the permittee has developed and  
61 implemented a strategy to address maintenance of such stormwater  
62 management controls. Should the permittee choose a strategy other than a  
63 maintenance agreement, such a strategy shall be in writing within 12-  
64 months of permit issuance and may include periodic inspections,  
65 homeowner outreach and education, or other methods targeted at  
66 promoting the long term maintenance of such facilities. Should the operator  
67 choose a strategy other than a maintenance agreement to address long  
68 term maintenance on stormwater control measures that are designed to  
69 treat stormwater runoff solely from the individual residential lot on which  
70 they are located, the operator shall develop a written strategy within 12-  
71 months of permit issuance. Such a strategy may include periodic  
72 inspections, homeowner outreach and education, maintenance agreements  
73 or other methods targeted at promoting the long term maintenance of such  
74 facilities.

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76 (2) SWM facilities owned by the MS4 operator

77 The operator shall develop and implement an inspection and maintenance  
78 program for SWM facilities that it owns. The program shall include an  
79 inspection schedule so that all applicable SMW facilities are inspected at  
80 least once every five years, procedures to identify and prioritize required  
81 maintenance activities and procedures to conduct routine and prioritized  
82 maintenance activities.

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84 d. MS4 Program Plan Requirements

85 The operator's MS4 Program Plan shall include:

- 86 (1) A description of the legal authorities to ensure compliance with [Minimum  
87 Control Measure 5] such as ordinances, permits, orders, contracts and  
88 inter-jurisdictional agreements;  
89 (2) Written procedures and all associated documents utilized to ensure that  
90 SWM facilities are designed and installed in accordance with b.;  
91 (3) Written inspection procedures and all associated documents utilized in  
92 plans review including the inspection schedule;

- 93 (4) Written procedures for inspection, compliance and enforcement to ensure  
94 maintenance is conducted on private stormwater facilities to ensure long  
95 term operation in accordance to the original design;
- 96 (5) Written procedures for inspection and maintenance of operator owned  
97 SWM facilities;
- 98 (6) The roles and responsibilities of each of the operator's departments,  
99 divisions or subdivisions in implementing MCM 4. If the operator relies on  
100 another party to implement portions of the MS4 Program Plan, a copy of the  
101 written agreement must be retained in the MS4 Program Plan. Roles and  
102 responsibilities shall be updated as necessary.

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104 e. SWM Facility Tracking and Reporting Requirements

105 The operator shall maintain an updated electronic database of all known  
106 operator owned and privately owned stormwater management (SWM) facilities  
107 that discharge into the MS4.

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109 The database shall include the following:

- 110 (1) The SWM facility type, address and latitude, longitude;
- 111 (2) The acres treated for total, pervious and impervious;
- 112 (3) The date brought on line (MMYYYY). If the date is unknown, the permittee  
113 shall use June 2005 as the date brought on line for all previously existing  
114 SWM facilities;
- 115 (4) The hydrologic unit code (HUC) in which the SWM facility is located;
- 116 (5) The name of any impaired water segments within each HUC listed on the  
117 most recent 305(b)/303(d) Water Quality Assessment Integrated Report to  
118 which the SWM facility discharges;
- 119 (6) Whether the SWM facility is operator owned or privately owned;
- 120 (7) Whether a maintenance agreement exists if the SWM is privately owned;  
121 and
- 122 (8) The date of last inspection.
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124 An electronic database or spreadsheet of all SWM facilities brought on line  
125 during each reporting year shall be submitted with the appropriate annual report.  
126 Upon such time as the Department provides the permittee access to a statewide  
127 web-based reporting database, the permittee shall utilize such database to  
128 complete the reporting requirements of this permit.

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